

REMARKS

Claims 1, 4-10 and 13-19 are pending in the application and are rejected.

In paragraph 1 on page 4 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1 and 20 of copending Application No. 09/939,369.

In paragraph 2 on page 4 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 20, 21 and 22 of copending Application No. 09/944,549.

In paragraph 3 on page 5 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 10 and 21 of copending Application No. 10/050,979.

In paragraph 4 on page 6 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 10 and 19 of copending Application No. 10/051,340.

In paragraph 5 on page 7 of the Office Action, claims 1, 4-10 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over PhotoChannel.

Applicants by this amendment no longer discussed the Rex and PRN which were not used as a part of the Official Action dated July 28, 2006. Accordingly, applicants respectfully submit that the objection set forth in the February 27, 2007 Official Letter has been overcome.

Examiner in paragraphs 1, 2, 3, and 4 of the Official Action dated July 28, 2006, rejected the claims set forth therein on the grounds of nonstatutory double patenting in view of copending Application No. 10/050,979; Application No. 09/944,549; Application No. 09/939,369; and Application No. 10/051,340. In this regard, a terminal disclaimer has been submitted herewith disclaiming any portion of the instant application which would extend beyond any of the patents granted and any of the identified copending applications. Accordingly, it is respectfully submitted that these rejections are no longer applicable.

The Examiner in paragraph 5 of the same Official Action, rejected claims 1, 4-10, and 13-19 under 35 U.S.C. 103(a) as being unpatentable over PhotoChannel references U-W for reasons set forth therein. The Applicants

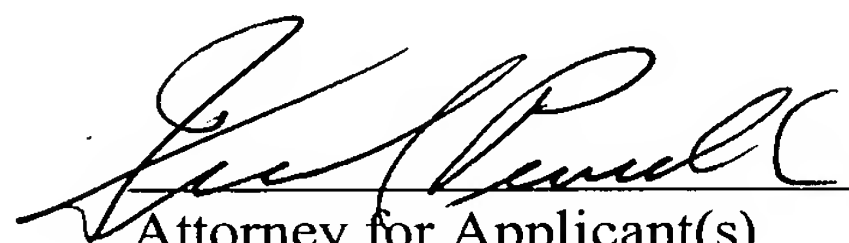
respectfully submit that neither of the references cited teach or suggest the invention as taught and claimed by Applicants. Independent claims 1, 10 and 19, upon which the remaining claims depend at least ultimately, are directed to a method, system or computer software program for ordering digital photo services over a communication network. These independent claims included the limitation of maintaining a registry of plurality of photo service providers and business entities on a server and associates a selection of offerings of goods and services with respect to each of the photo service providers. These claims also include the limitation of providing a plurality of order terminals each being associated with one of the plurality of business entities, the order terminal capable of communicating over a communication network. The server maintains information with respect to business relationships between the plurality of photo service providers and the plurality of business entities. The claims further include the limitation of providing an offering for desired goods or services from two or more of the plurality service providers at one of the order terminals based upon the business relationship stored on the server and the selected good or service by the user. Thus, what is being provided at the order terminal is a tailored custom offering that is based on two factors, one, the business relationship associated with the terminal and two, the selected goods or services made by the user. Depending upon the business relationship associated with the order terminal and the selected goods or services various, a custom display of selections will be provided to the user at that terminal. The server of course limits the selection based on the business relationships associated with that terminal and the goods or services being requested. The present invention allows the customer to create inquiries that orders can be fulfilled by many service providers that meet the criteria provided by the customer yet the displayed offering at the order terminal does not contravene the business relationships between the plurality of business entities and service providers, which may be in line, non-threatening, or in complete contravention to each other. In each case the offerings will be customized in accordance with the relationship to business relationships and the goods or services ordered by the user at that particular terminal.

The cited references fail to teach or disclose providing an offering for a desired good or service from two or more of said plurality of service

providers from said server at one of said order terminals based on said business relationships stored on said server.

In view of the foregoing, it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.